UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/2000/2T
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

TWELFTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

GE.00-64615

1. The present report identifies, pursuant to article 41 of the Provisional Rules For Claims Procedure (S/AC.26/1992/10) (the "Rules"), corrections to approved claim awards in categories "A" and "C".

I. CORRECTIONS TO CATEGORY "A" CLAIM AWARDS

2. Recommendations for corrections to category "A" claims include duplicate claims and corrections to family member claims.

A. Category "A" duplicate claims

3. Since the eleventh article 41 report to the Council (S/AC.26/2000/25), a total of 24 claims have been found to be duplicates of other claims also awarded compensation in category "A".

4. No compensation should have been awarded for these duplicate claims and the total recommended awards should be revised accordingly. Table 1, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be reduced.

Table 1. Category "A" duplicate claims

Country	Instalment	Total number of duplicate claims	Amount of reduction (USD)
Bosnia and Herzegovina	Special	12	48,000.00
India	4	4	23,000.00
	5	4	13,000.00
Russian Federation	2	1	4,000.00
	4	1	8,000.00
	5	1	4,000.00
	6	1	4,000.00
Total		24	104,000.00

B. Corrections to category "A" family member claims

5. Two claims originally filed as family claims have been found to be claims submitted by individuals. Accordingly, as identified in table 2, infra, two claims submitted by the Russian Federation in the fourth instalment have had their claims reduced from USD 8,000.00 to USD 4,000.00.

Table 2. Category "A" family claim corrections

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Russian Federation	4	2	(8,000.00)
Total		2	(8,000.00)

6. The adjusted claim awards for the second, fourth to sixth and special Bosnia and Herzegovina instalments, and the total revised recommended awards for category "A" claims, are identified in tables 1-6 of annex I.

II. CORRECTIONS TO CATEGORY "C" CLAIM AWARDS

7. Corrections to category "C" claim awards include corrections that arise from computational, clerical, typographical or other errors contained in the electronic category "C" claims.

8. For this report, approximately 1,000 category "C" claims were reviewed in response to requests presented to the Commission by submitting Governments. In 41 claims, specific computational, clerical, typographical or other errors relating to discrepancies between the paper and electronic claims were identified. Accordingly, corrections have been recommended in accordance with the Panel's decisions and recommendations relating to loss criteria and valuation in category "C" claims, as summarized in the seventh instalment report (S/AC.26/1999/11).

9. The majority of the corrections relate to "C6-Salary" losses. Such losses have been corrected in accordance with the Panel's decisions and recommendations in paragraphs 250 to 275 of the seventh instalment report. Other corrections relate to personal property ("C4-CPHO") losses, as discussed at paragraphs 178 to 199 of the same report. Still others relate to real property ("C7-Real property") losses, as discussed at paragraphs 300 to 326 and individual business ("C8-Business)" losses, as discussed at paragraphs 327 to 368. In two claims, the status of detained or missing claimants, as discussed in paragraphs 17 to 19 of the report, was resolved. The total number of pending claims on behalf of detained or missing claimants has therefore been reduced to 338.

10. It is therefore recommended that corrections be implemented in 41 claims for a net increase of USD 618,398.37 in awarded amounts as reflected in table 3, infra.

Table 3. Miscellaneous corrections to category "C" awards

Country or international organization	Instalment	Number of claims affected	Amount of net effect (USD)
Croatia	Seventh	1	12,092.42
Germany	Seventh	1	(12,962.96)
India	Second	1	(518.68)
	Sixth	1	(3,512.11)
Jordan	Sixth	1	96,415.22
	Seventh	2	105,314.88
Kuwait	First	1	no change a/
	Seventh	16	222,422.68
Lebanon	Second	2	69,123.53
	Seventh	1	8,550.18
Pakistan	Seventh	1	5,709.34
Spain	Sixth	1	5,000.00
Sudan	Fifth	1	6,889.27
	Sixth	4	20,487.89
	Seventh	1	2,709.34
United Kingdom	Fifth	1	25,114.05
UNDP Kuwait	Sixth	2	38,160.90
UNHCR Canada	Sixth	1	8,852.11
	Seventh	1	3,360.00
UNRWA Gaza	Sixth	1	5,190.31
Total		41	618,398.37

a/ The correction reflects the result of the processing of one claim where the pending MPA loss of a detained or missing person was resolved with a recommended amount of zero.

11. The adjusted claim awards for the first, second and fifth to seventh instalments, and the total revised recommended awards for category "C" claims, are identified in tables 1-6 of annex II.

Annex I

CORRECTED CATEGORY "A" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 2 to 6 of this report, supra, the category "A" claims aggregate corrected amounts per country, by claim instalment, are as follows

Table 1. Second instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Russian Federation	4,296,000.00	4,292,000.00

Table 2. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,280,000.00	146,257,000.00
Russian Federation	9,016,000.00	9,000,000.00

Table 3. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	147,567,000.00	147,554,000.00
Russian Federation	8,328,000.00	8,324,000.00

Table 4. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Russian Federation	3,396,000.00	3,392,000.00

Table 5. Special instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	812,000.00	764,000.00

2. Based on the above corrections, the revised category "A" claim total recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,599,500.00	no change
Second	641,244,500.00	641,240,500.00
Third	531,496,500.00	no change
Fourth	732,644,000.00	732,605,000.00
Fifth	782,653,000.00	782,636,000.00
Sixth	315,396,000.00	315,392,000.00
Special (Pakistan)	2,554,500.00	no change
Special (Bosnia and Herzegovina)	812,000.00	764,000.00

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38, 67 and 101 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996), S/AC.26/Dec.67 (1999) and S/AC.26/Dec.101 (2000)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85, 95, 99 and 109 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), S/AC.26/Dec.79 (1999), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000), S/AC.26/Dec.99 (2000) and S/AC.26/Dec.109 (2000)).

Annex II

CORRECTED CATEGORY "C" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 7 to 10 of this report, supra, the category "C" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. First instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Kuwait	11,403,243.00	no change a/

a/ The correction reflects the result of the processing of one claim where the pending MPA loss of a detained or missing person was resolved with a recommended amount of zero.

Table 2. Second instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
India	70,386,682.69	70,386,164.01
Lebanon	26,553,427.20	26,622,550.73

Table 3. Fifth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Sudan	15,976,107.94	15,982,997.21
United Kingdom	2,647,548.89	2,672,662.94

Table 4. Sixth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
India	104,976,428.50	104,972,916.39
Jordan	181,695,730.15	181,792,145.37
Spain	267,255.38	272,255.38
Sudan	21,732,162.24	21,752,650.13
UNDP Kuwait	10,397,658.83	10,435,819.73
UNHCR Canada	958,580.14	967,432.25
UNRWA Gaza	2,574,693.22	2,579,883.53

Table 5. Seventh instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Croatia	193,451.02	205,543.44
Germany	2,241,250.07	2,228,287.11
Jordan	281,976,641.68	282,081,956.56
Kuwait	787,946,915.96	788,169,338.64
Lebanon	15,671,083.55	15,679,633.73
Pakistan	74,567,250.14	74,572,959.48
Sudan	14,831,979.54	14,834,688.88
UNHCR Canada	1,121,785.59	1,125,145.59

2. Based on the above corrections, the revised category "C" claim total recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "C" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	51,086,478.00	no change
Second	431,675,084.34	431,743,689.19
Third	324,883,154.77	no change

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
Fourth	654,598,151.73	no change
Fifth	735,443,727.66	735,475,730.98
Sixth	765,543,093.66	765,713,687.98
Seventh	1,932,424,233.91	1,932,771,429.79

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 25, 36, 37, 39, 41, 52 and 70 (S/AC.26/Dec.25 (1994),(S/AC.26/Dec.36 (1996), S/AC.26/Dec.37 (1996), S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998) and S/AC.26/Dec.70 (1999)) and subsequent corrections approved by the Governing Council in its decisions 39, 41, 52, 85, 95 and 99 (S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000)), and S/AC.26/Dec.99 (2000).